



August 24, 2022

Environmental Protection Agency
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Re: Freedom of Information Act (FOIA) Request

To whom it may concern:

We write to make a request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq concerning the Consent Agreement and Final Order ("CAFO") entered into by the U.S. Environmental Protection Agency, Region 6, (EPA or "the Agency") and Maverick International Ltd, as well as the CAFO entered into between the Agency and Verataur, LLC. ("Verataur") concerning BioErase Antimicrobial Surface Wipes ("the Product").

We represent H-E-B LP ("HEB") in connection with this request. Through prior discussions with the EPA, HEB was informed it should remove the Product from its shelves. HEB promptly complied with the EPA's request, removed the product from its shelves and ceased any advertising or distribution of the Product. However, H-E-B is presently storing hundreds of thousands of Bioerase units, which are subject to a Stop Sale and Use Order issued against Verataur and which Maverick refuses to accept return. Additionally, HEB is presently involved in a dispute against Maverick International ("Maverick") who alleges HEB is contractually obligated to purchase approximately five million additional units of the Bioerase Product that is subject to the SSURO Order and the CAFO entered into by Maverick and the Agency. HEB denies the claim. HEB first became aware of the Verataur Consent Agreement and Final Order issued in connection with the proceeding Docket No. FIFRA-06-2022-0408, in August 2022. Similarly, HEB has become aware of a Consent Agreement and Final Order issued concerning Maverick International Ltd in connection with Docket No. FIFRA-06-2022-0417

- First, we request that you please provide the file corresponding to any investigation of Maverick related to Bioerase and the CAFO issued in Docket No. FIFRA-06-2022-0417.

- Second, we request that you please provide the file corresponding to any investigation of Verataur related to Bioerase and the CAFO issued in Docket No. Docket No. FIFRA-06-2022-0408.
- Third, we request that you please provide the file corresponding to any application concerning "Purgo Wipes" for N number registration. Including the file related to the package provided under EPA CDX: Sec3-New-000001: CDX_2021_003073.

Please do not hesitate to contact me at aimee.vidaurri@nortonrosefulbright.com or at 210-270-7136 and please provide the tracking number(s) for this request at your earliest convenience.

Very truly yours,

/s/ Aimeé Vidaurri
Aimeé Vidaurri

cc: Michael O'Donnell